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OF MONTANA

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1939

SUPPLEMENT TO

ELECTION LAWS
OF MONTANA



Compiled by
SAM W. MITCHELL
Secretary of State
Helena, Montana
July, 1939

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"Section 662. COUNTY AND CITY CENTRAL COMMITTEEMEN, HOW ELECTED. There shall be elected by each political party, subject to the provisions of this law, at said primary nominating election, two committeemen, one of which shall be a man and one of which shall be a woman, for each election precinct, who shall be residents of such precincts. Any elector may be placed in nomination for committeeman of any precinct by a writing so stating, signed by such elector, and filed in the office of the county clerk within the time required in this act for the filing of petitions naming individuals as candidates for nomination at the regular biennial primary election. The names of the various candidates for precinct committeemen of each political party shall be printed on the ticket of the same in the same manner as other candidates and the voter shall express his choice among them in like manner as for such other candidates. The committeemen thus elected shall be the representatives of their political party in and for such precinct in all Ward or subdivision committees that may be formed. The committeemen elected in each precinct in each county shall constitute the County Central Committee of each of said respective political parties. Those committeemen who reside within the limits of any incorporated city or town shall constitute ex-officio the City Central Committee of each of said respective political parties and shall have the same power and jurisdiction as to the business of their several parties in such city matters that the county committees have in county matters, save only the power to fill vacancies in said committee, which power is vested in the County Central Committee. Each committeeman shall hold such position for the term of two years from the date of the first meeting of said committee immediately following their election. In case of a vacancy happening, on account of death, resignation, removal from the precinct, or otherwise, the remaining members of said county committee may select a committeeman to fill the vacancy and he shall be a resident of the precinct in which the vacancy occurred. Said County and City Central Committees shall have the power to make rules and regulations for the government of their respective political parties in each county and city, not inconsistent with any of the provisions of this law, and to elect two county members of the State Central Committee, one of which shall be a man and one of which shall be a woman, and the members of the Congressional Committee, and said committee shall have the same power to fill all vacancies and make rules in their jurisdiction that the county committees have to fill county vacancies and to make rules. Said County and City Central Committee shall have the power to make nomination to fill vacancies occurring among the candidates of their respective parties nominated for city or county offices by the primary nominating election where such vacancy is caused by death, **resignation** or removal from the electoral district, **but not otherwise**. Said committees shall meet and organize by electing a chairman and secretary within thirty days after the candidates of their respective political parties shall have been nominated. They may select managing or executive committees and authorize such sub-committees to exercise any and all powers conferred upon the County, City, State and Congressional Central Committees respectively by this law. The chairman of the County Central Committee shall call said central committee meeting and not less than fifteen days before the date of said central committee meeting shall publish said call in a newspaper published at the county seat and shall mail a copy of the call, enclosing a blank proxy, to each precinct committeeman. No proxy shall be recognized unless held by an elector of the precinct of the committeeman executing the same." . . .

. as amended by Chapter 84, Laws of 1939.

CHAPTER 81

LAWS OF 1939

"Section 678. Except as in this chapter otherwise provided, it shall be the duty of the county clerk of each county to provide printed ballots for every election for public officers in which electors or any of the electors within the county participate, and to cause to be printed on the ballot the names of all candidates, including candidates for Chief Justice and Associate Justices of the Supreme Court and judges of the district courts, whose names have been certified to, or filed with the county clerk, in the manner provided in this chapter. Ballots other than those printed by the respective county clerks, according to the provisions of this chapter, must not be cast or counted in any election. Any elector may write or paste on his ballot the name of any person for whom he desires to vote for any office, but must mark the same as provided in Section 696, and when a ballot is so marked it must be counted the same as though the name is printed upon the ballot and marked by the voter. Any voter may take with him into the polling place any printed or written memorandum or paper to assist him in marking or preparing his ballot except as otherwise provided in the chapter."

"Section 681. Ballots for all general elections prepared under the provisions of this chapter must be white in color and of a good quality of paper and the names must be printed thereon in black ink. The ballots used in any one county must be uniform in size and every ballot must contain the name of every candidate whose nomination for any special office specified in the ballot has been certified or filed according to the provisions of law and no other names, except that the names of candidates for President and Vice-President of the United States shall appear on the ballot as provided for by Section 813 of the Revised Codes of Montana, 1935."

(A) The name of each candidate nominated shall be printed upon the ballot in but one place and there shall be added after and directly opposite to the name of each candidate nominated, the party or political designation contained in the certificate or nomination of such candidate in not more than three (3) words, except that the political designation of electors for President and Vice-President of the United States shall be opposite the whole list thereof, and the names of candidates for Chief Justice, Associate Justices, and District Court Judges shall each be followed by the following words directly underneath the name of the candidate: "Nominated without party designation". It is provided, however, that whenever any person is nominated for the same office by more than one party the designation of the party which first nominated him shall be placed opposite his name unless he declines in writing, one or more of such nomination, or by written election indicates the party designation which he desires printed opposite his name; or if he is nominated by more than one party at the same time he shall within the time fixed by law for filing certificates of nomination, file with the officer with whom his certificate of nomination is required to be filed, a written election indicating the party designation which he desires printed opposite his name, and it shall be so printed. If he shall fail or neglect to file such an election no party designation shall be placed opposite his name.

(B) The names of all candidates shall be arranged alphabetically according to surnames under the appropriate title of the respective offices. It is provided, however, that, while all of the candidates for the particular office shall remain together in the same box, yet the candidates of the two major parties shall appear on the ballot before and above the candidates of the minor parties and independent

candidates. For the purpose of designating the candidates of the two major parties, they shall be those candidates of the two parties whose candidates for governor, excluding independent candidates, have been either first or second, (by receiving the highest or next highest number of votes cast for the office of governor at the particular election) the greatest number of times at the next preceding four (4) general elections. In case of a tie in the number of first or second places, the determination shall be made by going back enough preceding elections to break the tie and no farther. All other candidates shall be designated as either independent candidates or as belonging to minor parties. When two or more persons are candidates for election or the same office, including presidential and vice-presidential candidates, it shall be the duty of the county clerk in each of the counties of the state to divide the ballot forms provided by the law for the county, into sets so as to provide a substantial rotation of the names of the respective candidates as follows:

He shall divide the whole number of ballot forms for the county into sets equal in number to the greatest number of candidates for any office, and he shall so arrange said sets that the names of the candidates shall, beginning with a form arranged in alphabetical order, (for the purposes of rotation of presidential and vice-presidential candidates, the office of president and vice-president, together with presidential electors shall be considered as a group and alphabetized under the name of the candidate for president), be rotated by removing one name from the top of the list for each office and placing said name or number at the bottom of that list for each successive set of ballot forms; provided, however, that no more than one of said sets shall be used in printing the ballot for use in any one precinct, and that all ballots furnished for use in any precinct shall be of one form and identical in every respect. It is further provided that candidates of the two major parties as hereinabove defined shall be rotated as one group and the candidates of the minor parties and independent candidates shall be rotated as another group so that the candidates of the two major parties for a particular office shall appear on the ballot before and above any candidates of the minor parties or independent candidates.

(C) Each ballot shall contain at the top the stub as provided by Section 684 of the Revised Codes and directly underneath the perforated line shall be the following words in bold face type, "VOTE IN ALL COLUMNS". Each ballot shall contain two (2), and not more than two (2) columns for the election of state, national, county and township officers. The first two columns and no others shall be used for the election of officers. Provided, however, that a third column and as many additional columns as may be necessary shall be used for constitutional amendments, and initiative and referendum measures. In the first column and the left, which shall be designated at the head with the words, "state and national", in large bold face type, shall be listed all candidates for state and national offices, including Supreme Court justices, and district court judges, and in the second column, which shall be designated at the head with the words, "county and township", in large bold face type, shall be listed all candidates for the legislative assembly, county and township offices. The third column and any additional column shall be designated at the head with the words, "initiatives, referendums, and constitutional amendments", in large bold face type, and listed thereunder shall be all proposed constitutional amendments and measures to be voted on by the people at such election. In case there are no such measures, this column shall be eliminated. The columns shall be separated by two straight lines at least one-half an inch apart.

(D) At the bottom of the first column, or the column to the left, there shall be placed the following words, "vote for county and township offices in the next column". At the bottom of the second column, if there be any initiatives, referendums or constitutional amendments, and every column except the last column, there shall be the following words, "vote on initiatives, referendums and constitutional amendments in the next column".

(E) The order of the placement of the offices on the ballot in the first column, or to the left, designated "state and national", shall be as follows: "president and vice-president, together with the presidential electors; United States senator; United States representative in Congress; governor; lieutenant governor; secretary of state; attorney general; state treasurer; state auditor; railroad and public service commissioners; state superintendent of public instruction; clerk of the supreme court; chief justice of the supreme court; associate justice or justices of the supreme court; district court judges"; provided, however, that in the years in which any of such offices are not to be elected, such offices shall not be designated, but the order of those offices to be filled shall maintain their relative positions as herein provided.

In the second column, designated, "county and township", the following order of placement shall be observed: "state senator; member or members of the house of representatives; clerk of district court; county commissioner; county clerk and recorder; sheriff; county attorney; county auditor". Such other offices to be elected shall be placed following the foregoing in the order deemed most appropriate by the county clerk. In the third column constitutional amendments shall come first with referendum and initiative measures following.

(F) In case of a short term and a long term election for the same office, the long term office shall precede the short term. The ballots shall be so printed as to give each voter a clear opportunity to designate his choice of candidates by a cross mark, (X) in a square at the left of the name of each candidate. Above each group of candidates for each office shall be printed the words designating the particular office in bold face capital letters and directly underneath the words, "vote for" followed by the number to be elected to such office. As nearly as possible the ballot shall be in the following form: (Stub hereinafter provided for by Section 684.) as amended by Chapter 81, Laws of 1939.

VOTE IN		ALL COLUMNS	
STATE AND NATIONAL		COUNTY AND TOWNSHIP	
FOR PRESIDENTIAL ELECTORS TO VOTE FOR PRESIDENT AND VICE-PRESIDENT OF THE UNITED STATES.		FOR STATE SENATOR (VOTE FOR ONE)	
(VOTE FOR ONE)			
For President of the United States	Democrat	BILL DOE	Republican
JOHN DOE		JOE ROE	Democrat
For Vice-President of the United States			
For Presidential Electors: Jane Doc, Helen Doe, Pete Moe, Milton Moe.		FOR MEMBER OF THE HOUSE OF REPRESENTATIVES (VOTE FOR TWO)	
(Same with other candidates for Presi- dent and Vice-President together with blank space for write-in.)		ALLEN DOE	Republican
FOR UNITED STATES SENATOR (VOTE FOR ONE)		FRANK DOE	Republican

☐ GUY DOE Republican

☐

☐

(Same for Congressman, Governor, Lieutenant Governor, Secretary of State, Attorney General, State Treasurer, State Auditor, Railroad and Public Service Commissioners, State Superintendent of Public Instruction and Clerk of Supreme Court.)

☐

☐

☐

(Continued in like manner for all county and township officers.)

☐ AGAINST SAID REFERENDUM NO. 1

INITIATIVE NO. 1

☐ FOR INITIATIVE NO. 1

☐ AGAINST SAID INITIATIVE NO. 1

FOR CHIEF JUSTICE OF THE SUPREME COURT

(VOTE FOR ONE)

☐ RICHARD K. O'DOE
(Nominated without party designation)

☐ TOM ROW
(Nominated without party designation)

☐

(Continued in like manner for Associate Justice and Judges of the District Court.)

(VOTE FOR COUNTY AND TOWNSHIP OFFICERS IN THE NEXT COLUMN.)

(VOTE ON INITIATIVES, REFERENDUMS AND CONSTITUTIONAL AMENDMENTS IN THE NEXT COLUMN.)

CHAPTER 170
LAWS OF 1939

Section 1. At any state or county election in which a member of the state senate or house of representatives is to be elected or nominated, and subject to the provisions of sections 651 and 681 of the Revised Codes of Montana, 1935, the list of candidates for such offices shall be arranged on the ballot immediately following the other state offices and shall precede any county office on such ballot.

"Section 1002. **QUALIFICATIONS OF ELECTORS:** Every citizen of the United States, twenty-one years old, who has resided in the State of Montana for one year, and thirty days in the school district next preceding the election, and whose name appears on the tax rolls of the county of which that school district is situate, or whose wife or husband's name appears on the tax rolls of that county, or who is a parent, guardian or person having custody and control of any child then attending school in such district, or who will be eligible to attend such school during the term that the school officers then to be elected shall hold office, may vote thereat".

"Section 1003. **CHALLENGES AND OATH OF VOTERS.** Any person offering to vote may be challenged by any elector of the district, and the judges must thereupon administer to the person challenged an oath and affirmation in substance as follows: 'You do solemnly swear, (or affirm) that you are a citizen of the United States; that you are twenty-one years of age; that you have resided in the state for one year, and in this school district thirty days next preceding this election, that your name or your wife or husband's name, appears upon the tax rolls of this county for the current year, or that you are the parent, guardian, or person having custody and control of a child now attending this school, or who will be eligible to attend this school during the term that the school officers then to be elected shall hold office, that you have not voted this day, **SO HELP YOU, GOD.**'

If he takes this oath or affirmation, his vote must be received, otherwise rejected. Any person who shall swear falsely before any judge of election shall be guilty of perjury, and punished accordingly. as amended by Chapter 83, Laws of 1939.

* * * * *

"Section 1224.10. **MEETING OF BOARD OF TRUSTEES TO CONSIDER PETITION AND CALLING OF ELECTION—NOTICE OF ELECTION—FORM.** Upon such petition being received by the clerk of the school district, a meeting of the board of trustees shall be called to consider the same. The board of trustees shall be the judges of the sufficiency of the petition and the findings of such board shall be conclusive against the school district in favor of the innocent holder of bonds issued pursuant to the election called and held by reason of the presentation of such petition. If it is found that the petition is in proper form and bears the requisite number of signatures, the board shall pass and adopt a resolution which shall recite the essential facts in regard to the petition and its presentation, fix the exact amount of bonds proposed to be issued, which may be more or less than the amount estimated in the petition, determine the number of years through which the bonds are to be paid, fix the date of election, which shall not be less than twenty (20) days, nor more than thirty (30) days after the date of the passage and adoption of such resolution, appoint three electors of the district who are qualified to vote at such election to act as judges of election, at each voting place and direct the clerk to give notice of such

election. The notice of election shall designate one or more school houses in said school district as voting places and be in substantially the following form:

‘NOTICE OF SCHOOL DISTRICT BOND ELECTION.

‘Notice is hereby given by the undersigned Clerk of School District No..... of.....County, State of Montana, that pursuant to a certain resolution duly adopted at a meeting of the Board of Trustees of said School District held on the.....day of.....A. D., 19....., an election of the registered qualified electors of School District No.....of.....County, State of Montana, who are taxpayers therein and whose names appear on the last completed assessment roll for state, county and school district taxes prior to the holding of such election, will be held on the.....day of....., A. D., 19....., at..... for the purpose of voting upon the question of whether or not the Board of School Trustees shall be authorized to issue and sell bonds of said School District in the amount of..... dollars, (\$.....), bearing interest at a rate not exceeding six per centum (6%) per annum, payable semi-annually, for the purpose of.....(here state purpose)..... The bonds to be issued will be either amortization or serial bonds, and amortization bonds will be the first choice of the Board of Trustees. The bond to be issued, whether amortization or serial bonds, will be payable in installments over a period of..... (state number) years.

The polls will be open from.....o'clockm. and until..... o'clockm. of the said day.

Dated and posted this.....day of.....A. D., 19.....

.....
Clerk of School District No.....
of.....County, State of Montana.’

If the bonds proposed to be issued are for more than one purpose, then each purpose shall be separately stated in the notice together with the proposed amount of bonds therefor.

The school district clerk shall, not less than fifteen (15) days before the day specified for such election, post notice of such election in not less than three (3) public places within the district, and in incorporated cities and towns at least one (1) notice must be posted at each voting place designated for such election.

In school districts of the first class the board of trustees must also cause the notice to be published once a week for two (2) successive weeks in some newspaper of general circulation in the district, if one be published therein, in addition to such posting.”

“Section 1224.11. PREPARATION OF BALLOTS—FORM. The school district clerk shall cause ballots to be prepared for all such bond elections, and whenever bonds for more than one purpose are to be voted upon at the same election, separate ballots shall be prepared for each purpose. All such ballots shall be substantially in the following form:

OFFICIAL BALLOT

SCHOOL DISTRICT BOND ELECTION

INSTRUCTIONS TO VOTERS: Make an X or similar mark in the vacant square before the words “BONDS—YES” if you wish to vote for the bond issue; if you are opposed to the bond issue make an X or similar mark in the square before the words “BONDS—NO”.

Shall the Board of Trustees be authorized to issue and sell bonds of this School District in the amount of.....dollars (\$.....) bearing interest at a rate not exceeding six per centum (6%) per annum, payable, semi-annually, during a period not exceeding.....years, for the purpose of.....(here state the purpose the same way as in the notice of election).

☐ BONDS—YES

☐ BONDS—NO."

Section 1224.16. FORM OF NOTICE OF SALE OF BONDS. The notice of sale shall state the purpose or purposes for which the bonds are to be issued and the amount proposed to be issued for each purpose, and shall be substantially in the following form:

'NOTICE OF SALE OF SCHOOL DISTRICT BONDS.

Notice is hereby given by the Board of Trustees of School District No.....of.....County, State of Montana, that the said Board of Trustees will on the.....day of.....19....., at the hour of.....o'clockm. at....., in the said School District, sell to the highest and best bidder for cash, either amortization or serial bonds of the said School District in the total amount of.....dollars, (\$.....), for the purpose of.....'

Amortization bonds will be the first choice and serial bonds will be the second choice of the said school board.

If amortization bonds are sold and issued, the entire issue may be put into one single bond or divided into several bonds, as the said board of trustees may determine upon at the time of sale, both principal and interest to be payable in semi-annual installments during a period of.....years from the date of issue.

If serial bonds are issued and sold they will be in the amount of.....dollars, (\$.....) each, except the first bond which will be in the amount of.....dollars, (\$.....) the sum of.....dollars (\$.....) of the said serial bonds will become payable on the.....day of....., 19....., and the sum of.....dollars, (\$.....) will become payable on the same day each year thereafter until all of such bonds are paid.

The said bonds, whether amortization or serial bonds, will bear date of....., 19....., and will bear interest at a rate not exceeding six per centum (6%) per annum, payable semi-annually, on the.....day of.....(month).....and.....(month).....in each year, and will be redeemable in full. (Here insert optional provisions, if any, to be recited on the bonds).

The said bonds will be sold for not less than their par value with accrued interest, and all bidders must state the lowest rate of interest at which they will purchase the bonds at par. The board of trustees reserves the right to reject any and all bids and to sell the said bonds at private sale.

All bids other than by or on behalf of the State Board of Land Commissioners must be accompanied by a certified check in the sum of.....dollars, (\$.....) payable to the order of the clerk, which will be forfeited by the successful bidder in the event that he shall refuse to purchase the said bonds.

All bids should be addressed to the undersigned clerk.

.....
Chairman, School District No.....
of.....County.
Address.....

ATTEST:

.....
Clerk, School District No.....
of.....County.
Address....."

..... as amended by Chapter 178, Laws of 1939.

"Section 1262.14. BOND LIMIT—TERM—RATE OF INTEREST—FORM. In any county of the first, second, third, fourth or fifth class the amount of all bonds requested or authorized under the provisions of this chapter shall not exceed, in any one county, in the aggregate as outstanding obligations of the county the sum of four hundred thousand dollars (\$400,000.00), and in all other counties, in any one county, the sum of three hundred thousand dollars (\$300,000.00). Such bonds shall mature in twenty (20) years, or less, and shall bear interest and the general form of the bonds shall be fixed by the board of county commissioners.".....
as amended by Chapter 75, Laws of 1939.

"4630.12. WHO ARE ENTITLED TO VOTE. In all county bond elections hereafter held only qualified registered electors residing within the county, who are taxpayers upon property therein and whose names appear upon the last completed assessment roll for state, county and school district taxes, shall have the right to vote. Upon the adoption of the resolution calling for the election, the county clerk must cause to be published in the official newspaper of the county a notice, signed by him, stating that registration for such bond election will close at noon on the fifteenth day prior to the date for holding such election and at that time the registration books shall be closed for such election. Such notice must be published at least ten (10) days prior to the day when such registration books will be closed.

After the closing of the registration books for such election the county clerk shall promptly prepare lists of the registered electors of such voting precinct, who are taxpayers upon property within the county and whose names appear on the last completed assessment roll for state, county and school district taxes, and who are entitled to vote at such election, and shall prepare poll books for such election, as provided in Section 568 of the Revised Codes of Montana for 1935, and deliver the same to the judges of election prior to the opening of the polls. It shall not be necessary to publish or post such list of qualified electors."..... as amended by Chapter 138, Laws of 1939.

"Section 4728. COUNTY AND OTHER OFFICERS, WHEN ELECTED AND TERM OF OFFICE. There shall be elected in each county the following county officers who shall possess the qualifications for suffrage prescribed by the constitution of the State of Montana, and such other qualifications as may be prescribed by law:

One county clerk who shall be clerk of the board of county commissioners and ex-officio recorder; one sheriff; one treasurer, who shall be collector of the taxes; provided, that the county treasurer, shall not be eligible to his office for the succeeding term; one county superintendent of schools; one county surveyor; one assessor; one coroner; one public administrator. Persons elected to the different

offices named in this section shall hold their respective offices for the term of four (4) years, and until their successors are elected and qualified.

The county attorneys, county auditors, and all elective township officers, must be elected at each general election as now provided by law. The officers mentioned in this act must take office on the first Monday of January next succeeding their election, except the county treasurer, whose term begins on the first Monday of March next succeeding his election.

Vacancies in all county, township and precinct offices, except that of county commissioners, shall be filled by appointment by the board of county commissioners, and the appointee shall hold his office until the next general election; provided, however, that the board of county commissioners of any county, may, in its discretion, consolidate any two or more of the within named offices and combine the powers and the duties of the said offices consolidated; however, the provisions hereof shall not be construed as allowing one (1) office incumbent to be entitled to the salaries and emoluments of two (2) or more offices; provided, further, that in consolidating county offices, the board of county commissioners shall, six (6) months prior to the general election held for the purpose of electing the aforesaid officers, make and enter an order, combining any two (2) or more of the within named offices, and shall cause the said order to be published in a newspaper, published and circulated generally in said county, for a period of six (6) weeks next following the date of entry of said order."as amended by Chapter 134, Laws of 1939.

"Section 5011. THE COUNCIL OR OTHER GOVERNING BODY MUST APPOINT JUDGES AND CLERKS OF ELECTION, AND PLACES OF VOTING. Where the city or town is divided into wards there must be at least one voting place in each ward and there may be as many more as the council or other governing body shall fix, and the elector must vote in the ward in which he resides. In cities and towns divided into wards the election precincts must correspond with the wards, but a ward may be subdivided into several voting precincts, and when so divided the elector shall vote in the precinct in which he resides. In cities and towns operating under the commission, or the commission-manager plan of municipal government, where there are no wards for election purposes and the officers of the city or town are elected at large, the election precincts shall correspond with the election precincts in such city or town as fixed by the board of county commissioners for state and county elections, but such precincts may be by the city commission divided into as many voting precincts, to facilitate the voting and counting of the vote, as the city commission shall by ordinance provide, and the elector shall vote in the voting precinct so designated, in which he resides. For all municipal elections the city council or other governing body may appoint a second or additional board of election judges for any voting precinct in which there were cast three hundred and fifty or more votes in the last general city election or in which council or other governing body believes as many as three hundred and fifty ballots will be cast in the next general city election, and such additional board of election judges shall have the same powers and duties, and under the same conditions, as the second or additional board of election judges for general elections appointed by boards of county commissioners under the provisions of Section 587 of the Revised Codes of Montana of 1935, as amended by Chapter 61 of the laws of the twenty-fifth legislative assembly of the State of Montana. In all cities and towns

where voting machines are used, the city council or other governing body must arrange the precincts so that there will be no more than six hundred votes in any voting precinct. All municipal elections must be conducted in accordance with the general laws of the State of Montana relating to such election." as amended by Chapter 19, Laws of 1939.

"Section 5278.10. WHO ARE ENTITLED TO VOTE—REGISTRATION OF ELECTORS. Only such registered electors of the city or town whose names appear upon the last preceding assessment roll for state and county taxes, as taxpayers upon property within the city or town, shall be entitled to vote upon any proposition of issuing bonds by the city or town. Upon the adoption of the resolution calling for the election the city or town clerk shall notify the county clerk of the date on which the election is to be held and the county clerk must cause to be published in the official newspaper of the city or town, if there be one, and if not in a newspaper circulated generally in the said city or town and published in the county where the said city or town is located, a notice signed by the county clerk stating that registration for such bond election will close at noon on the fifteenth (15th) day prior to the date for holding such election and at that time the registration books shall be closed for such election. Such notice must be published at least five (5) days prior to the date when such election books shall be closed.

After the closing of the registration books for such election the county clerk shall promptly prepare lists of the qualified electors of such city or town who are taxpayers upon property therein and whose names appear on the last completed assessment roll for state, county and school district taxes and who are entitled to vote at such election and shall prepare poll books for such election as provided in Section 568 of the Revised Codes of Montana of 1935, and deliver the same to the city or town clerk who shall deliver the same to the judges of election prior to the opening of the polls. It shall not be necessary to publish or post such lists of qualified electors." as amended by Chapter 182, Laws of 1939.

* * * * *

CHAPTER 158

LAWS OF 1939

Section 1. DEFINITION OF TERMS. The word "superintendent" as used in this act shall mean the superintendent of a district high school and the word "principal" as used in this act, means the principal of a county high school organized under the laws of the State of Montana. A "junior college" is hereby defined to be a public school established as provided in this act, in connection with accredited high schools for the purpose of providing one or more two year courses beyond those of the four year high school.

Section 2. METHOD OF ESTABLISHMENT. County high school boards or district high school boards operating accredited schools shall have authority to establish and maintain in such schools in the manner provided in this act, a department of junior college work, to consist of not more than two years work beyond the four year high school course. Whenever a county high school board or a district high school board operating an accredited high school shall receive a petition in writing signed by not less than twenty-five per cent of the registered voters of the county, in case the petition be filed with the county high school board, or by not less than twenty-five per cent of the registered voters of the school district in case such petition is filed with a district school board, requesting the

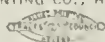
establishment in such school of a department of junior college work, the board shall spread said petition upon its minutes. If said petition is found by the board to be signed by the requisite number of qualified voters, as disclosed by the registration lists for the last preceding election, the board shall not later than its next regular meeting, communicate to the State Superintendent of Public Instruction the fact of the filing of such petition together with such pertinent facts and information as the board may have regarding the desirability of establishing such junior college department, together with the recommendations of the board relative to said matter. The board may also on its own initiative, and without the filing of any petition, adopt and spread upon its minutes a resolution requesting the establishment of such junior college and shall submit the same to the State Superintendent of Public Instruction for his approval.

Section 3. APPROVAL OF SUPERINTENDENT OF PUBLIC INSTRUCTION. The State Superintendent of Public Instruction shall consider all such petitions submitted by county or district high school boards and may, if he deem it advisable, conduct an independent investigation with a view to determining the desirability of granting such petition. If the Superintendent of Public Instruction shall approve of the granting of such petition, he shall notify the county or district high school boards of his approval of the petition. The county or district high school board shall thereupon submit to the registered voters of the county or district the question whether or not a junior college shall be established in their said county or district high school.

Section 4. ELECTION. In any election held under the terms of this act, all qualified voters of the county or district shall be entitled to vote. All such elections shall be called, noticed, held, canvassed and returned in the manner provided by law for the submission in such county or school district of the question of a bond issue for the purpose of building, enlarging, altering or acquiring by purchase a school house and the purchase of necessary lands therefor.

Section 5. ESTABLISHMENT OF JUNIOR COLLEGE UPON APPROVAL OF ELECTORS. If a majority of the votes cast at any election provided for in this act be in favor of the establishment of a junior college, the county or district high school board shall proceed to establish such junior college in the following manner. Not later than September first of the first year in which such junior college is proposed to be established, the county or district high school board shall apply to the Superintendent of Public Instruction for permission to open such junior college, and shall accompany such application with a full statement of the curricula to be maintained and an application on behalf of the high school to be classified as a junior college. If the State Superintendent of Public Instruction approves the application, he shall so notify the State Board of Education, which shall finally approve or disapprove of the establishment of such proposed junior college, and shall promptly notify the county or district high school board of its action. Upon receiving the final approval of the State Board of Education, the county or district high school boards shall have authority to proceed with the establishment and operation of such junior college."

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